

Appl. No. 09/966,415
Response to Office Action of August 23, 2007

PATENT
Docket No.: NL000522US
Customer No. 000024737

REMARKS

Claims 1, 8, 9 and 10 have been amended. Claims 1-14 remain in the application. Support for the amendments to the claims is identified herein. No new matter has been added. Reconsideration and allowance of the application is respectfully requested.

Objection to the claims

Claims 9, 10, 13 and 14 were objected to because of informalities. Applicant acknowledges the objection and in response thereto has amended claims 9 and 10, as appropriate.

In particular, claim 9 has been amended to provide proper antecedent basis for "patient". The objection to claim 9, as well as the objection to claim 13, which depends from claim 9, is now believed overcome.

In addition, claim 10 has been amended to be further limiting that claim 8. The objection to claim 10, as well as the objection to claim 14, which depends from claim 10, is now believed overcome.

Rejection under 35 U.S.C. §112

Claims 1-9 and 11-13 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

By this amendment, claims 1 and 9 have been amended, as appropriate, to more clearly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the phrase "and/or from other sources of information" has been deleted from the claims. Accordingly, the §112, second paragraph, rejection is now believed overcome. Withdrawal of the rejection of claims 1-9 and 11-13 is respectfully requested.

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Rejection under 35 U.S.C. §102

Claim 1 recites a method for imaging a plurality of individual anatomical parts of the human anatomy by means of an X-ray apparatus, the method comprising the steps of:

acquiring at least one initial projection image of at least a region of interest of the human anatomy and retaining acquisition settings for the at least one initial projection image,

determining the positions and/or orientations for each of the plurality of individual anatomical parts in the region of interest from the at least one initial projection image,

determining locally adapted optimum imaging parameters for each of the plurality of individual anatomical parts from (i) the determined positions and/or orientations of respective individual anatomical parts and (ii) the retained acquisition settings for the at least one initial projection image, wherein the locally adapted optimum imaging parameters include one or more settings of projection line position, projection line direction, collimation, and exposure, and

acquiring projection images for each of the plurality of individual anatomical parts by dynamically using respective ones of the locally adapted optimum imaging parameters for each of the plurality of individual anatomical parts.

Support for the amendment to claim 1 (as well as for amendment to claims 8, 9 and 10) can be found in the specification on at least page 2, lines 26-28; page 3, lines 13-26 and 30-33; page 4, lines 8-9; page 5, lines 1-10; page 10, lines 10-20; and page 11, lines 4-10 of the application as originally filed.

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Claims 1-14 were rejected under 35 U.S.C. § 102(b) as being anticipated by International Application Publication to Freundlich et al. (WO 98/24063).

With respect to claim 1, Applicants respectfully traverse this rejection for at least the following reasons.

The PTO provides in MPEP § 2131 that

"[t]o anticipate a claim, the reference must teach every element of the claim...."

Therefore, with respect to claim 1 as currently amended, to sustain this rejection the **Freundlich et al.** reference must contain all of the above claimed elements of the respective claims. However, contrary to the examiner's position that all elements are disclosed in the **Freundlich et al.** reference, the latter reference does not disclose "determining *locally adapted* optimum imaging parameters ... from (i) ... *determined positions and/or orientations of ... individual anatomical parts* and (ii) ... *retained acquisition settings* ... wherein the locally adapted optimum imaging parameters include one or more settings of projection line position, projection line direction, collimation, and exposure, and acquiring projection images ... by *dynamically* using respective ones of the *locally adapted* optimum imaging parameters for each of the plurality of *individual anatomical parts*" as is claimed in claim 1. Therefore, the rejection is not supported by the **Freundlich et al.** reference and should be withdrawn.

In contract, the **Freundlich et al.** reference teaches a CT system for reconstructing oblique CT image slices at any desired slice angle, without introducing swivel or tilt into the CT system (**Freundlich et al.** at page 2, lines 24-25).

Accordingly, claim 1 is allowable and an early formal notice thereof is requested. Dependent claims 2-8 and 11-12 depend from and further limit allowable independent

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claim 1 and therefore are allowable as well. Withdrawal of the rejection is respectfully requested.

Claim 9 has been amended in a similar manner to that of amended claim 1. For at least the same reasons as presented with respect to claim 1 above, claim 9 is also believed allowable. Claim 13, which depends and further limits allowable claim 9, is also believed allowable. Withdrawal of the rejection is respectfully requested.

Claim 10 has been amended in a similar manner to that of amended claim 1. For at least the same reasons as presented with respect to claim 1 above, claim 10 is also believed allowable. Claim 14, which depends and further limits allowable claim 10, is also believed allowable. Withdrawal of the rejection is respectfully requested.

Conclusion

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or a continuation application.

It is clear from all of the foregoing that independent claims 1, 9 and 10 are in condition for allowance. Dependent claims 2-8 and 11-12 depend from allowable independent claim 1, and are thus also allowable. Dependent claim 13 depends from allowable independent claim 9 and is thus also allowable. Dependent claim 14 depends from allowable independent claim 10 and is thus also allowable.

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Amendments herein are fully supported by the original specification and drawings as discussed herein; therefore, no new matter is introduced. Issuance of an early formal notice of allowance of claims 1-14 is requested.

Respectfully submitted,

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